

REMARKS:

The Office action mailed April 8, 2008 has been received and carefully considered. A Request for Continued Examination is filed herewith. Reconsideration of the claims in view of the present amendment and the Request for Continued Examination is respectfully requested.

Claim 4 was rejected as indefinite. This rejection is believed to be incorrect. In particular, while both the end and intermediate guide tools are elements of the claims, the use of the first helically wound guide and advancement structure is only claimed in Claim 4 as being on the intermediate tool and the second guide and advancement structure is called for on the bone screw. Such structure is clearly shown in Figure 3 on intermediate tool 10. Consequently, it is urged that Claim 4 is definite for purposes of patentability and withdrawal of this rejection is respectfully requested.

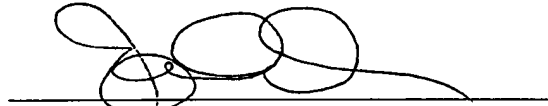
Claims 1, 3 and 5 were rejected as informal also for including the language helically wound "first guide and advancement structure". It appears that the Examiner is cross applying the structure of Claim 4 and, for example, Claim 1, but this is not proper as each is an independent claim and must be read as such. It is noted that the end guide tools and the intermediate guide tools all can have a guide and advancement

structure that can be aligned with a mating structure on respective bone screws. However, in Claims 1, 3 and 5 only the end tools are claimed to have such and in Claim 4 only the intermediate tool is claimed to have such. Consequently, reference to a first guide and advancement structure is proper in each case.

The pending claims are variously rejected as anticipated by Choi. As previously noted Choi does not provide a tool for inserting a closure as it is an integral part of the bone screw and does not aid a surgeon operating on the patient in guiding a rod to the bone screw or inserting a closure from a place outside the body to the implanted bone screw. The claimed tools are elongate and sized and shaped to extend externally of the surgical site when attached to the bone screw to allow a surgeon to guide the closure from outside the patient to the bone screw and to transfer the closure over from the tool to the bone screw once it gets there. Choi shows no such structure as the cap is clearly part of the final bone screw structure and cannot be elongate or be sized to extend outside the body from the bone screw when attached to the bone screw. The claims have been amended to better define this structure. Consequently, the pending claims are believed to be allowable and withdrawal of these rejections is earnestly requested.

The Examiner is invited to contact the undersigned by telephone, if prosecution of this application can be expedited thereby.

Respectfully Submitted,




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Roger P. Jackson  
(Applicant)

By



July 8, 2008

(Date of Signature)